

# Senate Study Bill 1346

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON COURTNEY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to administration of provisions involving  
2 violations of the state's noncompetition by government law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2861XC 82  
5 rn/es/88

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1 1 Section 1. Section 23A.4, Code 2007, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 23A.4 ADMINISTRATION OF CHAPTER.  
1 5 1. The Iowa ethics and campaign disclosure board may give  
1 6 advice, issue advisory opinions, adopt rules, receive  
1 7 complaints, conduct investigations, hold hearings, and impose  
1 8 sanctions in order to administer the provisions of this  
1 9 chapter.  
1 10 2. Judicial review of the actions of the board and  
1 11 judicial enforcement of board orders may be sought in  
1 12 accordance with chapter 17A.  
1 13 3. The office of citizens' aide may review violations of  
1 14 this chapter and make recommendations as provided in chapter  
1 15 2C.  
1 16 Sec. 2. Section 68B.32A, Code 2007, is amended by adding  
1 17 the following new subsection:  
1 18 NEW SUBSECTION. 15. Administer the provisions of chapter  
1 19 23A regarding noncompetition by government with private  
1 20 enterprise pursuant to section 23A.4.  
1 21 EXPLANATION  
1 22 This bill relates to the administration of Code provisions  
1 23 prohibiting certain competition by government with private  
1 24 enterprise. Code chapter 23A generally restricts competition  
1 25 by government entities with private enterprise, and Code  
1 26 section 23A.4 provides for injunctive relief through judicial  
1 27 review as a remedy for noncompetition violations and the  
1 28 payment of attorney fees and expenses and court costs to an  
1 29 aggrieved person by a violating state agency or political  
1 30 subdivision.  
1 31 The bill eliminates these provisions and gives the Iowa  
1 32 ethics and campaign disclosure board jurisdiction to  
1 33 administer the Code chapter. Specifically, the bill provides  
1 34 that the board may give advice, issue advisory opinions, adopt  
1 35 rules, receive complaints, conduct investigations, hold  
2 1 hearings, and impose sanctions to administer the Code  
2 2 chapter's provisions. The bill provides for judicial review  
2 3 of board actions and orders.  
2 4 A current provision in Code chapter 23A providing that the  
2 5 office of citizens' aide may review Code chapter violations  
2 6 and make recommendations is retained.  
2 7 The bill makes a conforming change referencing the board's  
2 8 responsibilities in administering the Code chapter in Code  
2 9 section 68B.32A, which sets forth general duties and  
2 10 responsibilities of the board.  
2 11 LSB 2861XC 82  
2 12 rn:rj/es/88.2